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OR

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,965	11/14/2003	Robert A. Bennett		3186
7590	07/27/2004		EXAMINER	
THEODORE JAY SUITE 600 16 N. CHATSWORTH AVE. LARCHMONT, NY 10538				BLAU, STEPHEN LUTHER
		ART UNIT	PAPER NUMBER	3711

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/713,965	BENNETT, ROBERT A.
	Examiner	Art Unit
	Stephen L. Blau	3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 November 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 is indefinite in that the statement "the second slot of the member is surrounded by two like opposed recessed circular regions, one of said regions supporting like first and second spaced apart enlargements" is not understood. The examiner can see how parts 30 in figure 7 could be one of said regions supporting like first and second spaced apart enlargements. However it is not seen how opposed parts 30 and 28 are two like opposed recessed circular regions. The statement "the second slot of the member is surrounded by two like opposed recessed regions and like first and second spaced apart enlargements ..." would make more sense.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pace in view of Wolfe or Salzmann.

Pace discloses a removable support able to support a club with a varying diameter shaft nears its handle and a smaller diameter near a head (Fig. 5) comprising a thin elongated plastic member (Col. 2, Lns. 8-18) having at one end a groove (Ref. No. 40) disposed between two opposite fingers like supporting arms which extend longitudinally outward (See enclosure (1)), arms defining a first spring compressing a groove to hold a shaft tightly when a shaft is disposed in a groove (Col. 2, Lns. 49-54, Col. 3, Lns. 23-30), two oppositely disposed spaced apart scissor like prongs (Ref. Nos. 28, 30) extending longitudinally outward which are separated by a short slot extending longitudinally inward in opposite direction from the prongs (See enclosure (2)), and the prongs and slot defining a spring for providing firm ground support (Col. 2, Lns. 55-61).

Pace lacks a short slot extending longitudinally inward in opposite direction from arms, and arms and slot defining a first spring compressing said groove to hold a shaft tightly.

Wolfe discloses supports with arms having a short slot extending longitudinally inward in opposite directions from arms (Figs. 2 and 3). Salzmann discloses a support with arms having a slot longitudinally inward in opposite directions from arms (Figs. 1-2). In view of the patent of Wolfe or Salzmann it would have been obvious to modify the support of Pace to have a slot extending longitudinally inward in opposite direction from arms in order to add more resiliency to the arms which support a golf club shaft such

that larger shafts would be supported. As such the arms and slot would define a spring compressing said groove to hold a shaft tightly. In view of the patent of Wolfe it would have been obvious to modify the support of Pace to have a slot being short in order to simplify the manufacturing process of a support by making it simple.

***Allowable Subject Matter***

5. Claims 2-4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. None of the claims discloses or renders as obvious the second slot of the member is surrounded by two like opposed recessed circular regions and like first and second spaced apart enlargements which extend longitudinally toward the prongs.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Notarmuzi discloses a groove and fingers.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712.

The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (703) 308-1513. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 26 July 2004



STEPHEN BLAU  
PRIMARY EXAMINER